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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,086	12/28/2000	Atul N. Hatakhar	10559-357001 / P10034	3517
20985 7590 07/10/2007 FISH & RICHARDSON, PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER BRUCKART, BENJAMIN R	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 07/10/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/753,086

Applicant(s)

HATALKAR, ATUL N.

Examiner

Benjamin R. Bruckart

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2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 27-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Detailed Action**

Claims 27-42 are pending in this Office Action.

Claims 1-26 remain cancelled.

Claims 27, 36 are amended.

### **Response to Arguments**

Applicant's arguments filed in the amendment filed 5/31/07, have been fully considered but they moot in view of new grounds of rejection. The reasons are set forth below.

### **Applicant's invention as claimed:**

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 27, 30-31; 36-37, 39, 41 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,622,303 by Yamashita.**

Regarding claim 27, a method comprising:

compiling a first map that associates identifiers of clients in a digital cable broadcast system with identifiers of groups of two or more clients in the digital cable broadcast system (Yamashita: col. 4, lines 45-57; clients get an ID# and subscriber control #);

transmitting the first map to available clients in the digital cable broadcast system (Yamashita: col. 5, lines 23-25);

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compiling a second map in which associations between subscriber identifiers and client group identifiers has been changed (Yamashita: col. 6, lines 33-43);

transmitting the second map to available clients in the digital cable broadcast system (Yamashita: col. 5, lines 23-25); and

broadcasting digital cable content intended to be accessible only by a subset of available clients to all available clients in the digital cable broadcast system, wherein accessible content is content that is to be output to client displays (Yamashita: col. 5, lines 25-30; pay per view material), and wherein said broadcasting comprises

associating the digital cable content with a first identifier of a first group of two or more clients (Yamashita: col. 5, lines 32-40) and broadcasting the first identifier in association with the digital cable content (Yamashita: col. 3, line 62- col. 4, line 5); and

configuring clients in the digital cable broadcast system to compare the first group identifier broadcast in association with the digital cable content with any group identifiers from a most recently received one of the first map and the second map that were associated with an identifier of the client (Yamashita: col. 5, lines 14-40), to determine if the digital cable content is to be discarded at the client, wherein discarded content is content that is not to be output to client displays (Yamashita: col. 5, lines 49-54).

Regarding claim 30, the method of claim 27, further comprising receiving a definition of a premium content group of two or more clients, wherein the clients in the premium content group pay for premium content (Yamashita: col. 5, lines 49-55).

Regarding claim 31, the method of claim 30, wherein broadcasting the digital cable content comprises broadcasting premium content in association with an identifier of the premium content group (Yamashita: col. 5, lines 49-55).

Regarding claim 36, a broadcast system (Yamashita: col. 2, lines 17-22) comprising:

a data transmission network (Yamashita: Fig. 1);

a head end (Yamashita: Fig. 1, tag 2 digital broadcast system) comprising

a map that associates identifiers of clients in the broadcast system with identifiers of groups of two or more clients in the broadcast system (Yamashita: col. 4, lines 45-57; clients get an ID# and subscriber control #),

logic to associate content that is to be broadcast with an appropriate group identifier (Yamashita: col. 4, lines 45-57; clients get an ID# and subscriber control #), and

a transmitter to transmit the map and broadcast the content in association with the appropriate group identifier over the data transmission network even when the content is intended to be accessible only by a subset of available clients in the broadcast system, wherein accessible content is content that is to be output to a client display (Yamashita: col. 5, lines 23-30; pay per view material); and

a collection of clients, each client comprising

a receiver to receive the broadcast content in association with the appropriate group identifier and the map from the head end over the data transmission network (Yamashita: col. 5, lines 32-40),

logic to identify groups to which the client belongs from the received map

(Yamashita: col. 5, lines 32-40), and

logic to compare group identifiers associated with received broadcast content to group identifiers of any identified groups to determine if the broadcast content is accessible content that is to be output to a client display or inaccessible content that is not to be output to the client display (Yamashita: col. 5, lines 49-54).

Regarding claim 37, the broadcast system of claim 36, wherein the broadcast system comprises a digital cable broadcast system (Yamashita: col. 2, lines 17-22).

Regarding claim 39, the broadcast system of claim 36, wherein the head end further comprises: logic for changing the map associations between client identifiers and client group identifiers (Yamashita: col. 6, lines 33-43).

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Regarding claim 41, the broadcast system of claim 36, wherein the map comprises a definition of a premium content group of two or more clients, wherein the clients in the premium content, group pay for premium content (Yamashita: col. 5, lines 49-55).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 28-29, 34-35; 38, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,622,303 by Yamashita in view of U.S. Patent No. 6,718,551 by Swix et al.**

Regarding claim 28, the Yamashita reference teaches the method of claim 27.

The Yamashita reference fails to teach geographic areas.

However, the Swix reference teaches

receiving a definition of a geographic group of two or more clients, wherein the clients in the geographic group are in a geographic area (Swix: col. 3, lines 3-9) because advertisements built with geographic region can be targeted (Swix: col. 3, lines 3-23).

It would have been obvious to one of ordinary skill in the art to create the method of claim 27 by Yamashita to include groups based on geographic area to provide targeted advertisements (Swix: col. 3, lines 3-23).

Regarding claim 29, the Yamashita reference teaches the method of claim 28.

The Yamashita reference fails to teach geographic areas.

However, the Swix reference teaches

broadcasting the digital cable content comprises broadcasting an advertisement in association with an identifier of the geographic group (Swix: col. 3, lines 3-23) because advertisements built with geographic region can be targeted (Swix: col. 3, lines 3-23).

It would have been obvious to one of ordinary skill in the art to create the method of claim 27 by Yamashita to include groups based on geographic area to provide targeted advertisements (Swix: col. 3, lines 3-23).

Regarding claim 34, the Yamashita reference teaches the method of claim 27.

The Yamashita reference fails to teach a new group.

However, the Swix reference teaches

compiling the second map comprises compiling the second map to associate identifiers of clients with an identifier of a new group that has been added since broadcast of the first map (Swix: col. 8, lines 44-65) because adding a second group for categorizing the profile of the user enables better targeted advertising (Swix: col. 3, lines 3-23).

It would have been obvious to one of ordinary skill in the art to create the method of claim 27 by Yamashita to include updating profiles with groups based on acquired interests to provide targeted advertisements (Swix: col. 3, lines 3-23).

Regarding claim 35, the Yamashita reference teaches the method of claim 27.

The Yamashita reference fails to teach a new group.

However, the Swix reference teaches compiling the second map comprises:

accessing a client profile database that includes information that profiles clients in the digital cable broadcast system (Swix: col. 8, lines 55-65); and

changing the associations between subscriber identifiers and client group identifiers based on the information included in the client profile database (Swix: col. 8, lines 45-65) because updating and adding associations between clients and groups for categorizing the profile of the user enables better targeted advertising (Swix: col. 3, lines 3-23).

It would have been obvious to one of ordinary skill in the art to create the method of claim 27 by Yamashita to include updating profiles with groups based on acquired interests to provide targeted advertisements (Swix: col. 3, lines 3-23).

Regarding claim 38, the Yamashita reference teaches the broadcast system of claim 36.

The Yamashita reference fails to teach a database.

However, the Swix reference teaches a head end further comprises:

a client profile database that includes information that profiles clients in the broadcast system (Swix: col. 8, lines 55-65); and

logic to compile the map based, on client profiles in the client profile database (Swix: col. 55- col. 9, line 2) in order to associate clients with profiles or categories for targeted advertising.

It would have been obvious to one of ordinary skill in the art to create the method of claim 36 by Yamashita to include updating profiles with groups based on acquired interests to provide targeted advertisements (Swix: col. 3, lines 3-23).

Regarding claim 40, the Yamashita reference teaches the broadcast system of claim 36.

The Yamashita reference fails to teach a database.

However, the Swix reference teaches, wherein the map comprises a definition of a geographic group of two or more clients, wherein the clients in the geographic group are in geographic area (Swix: col. 3, lines 3-10) because adding a second group for categorizing the profile of the user enables better targeted advertising (Swix: col. 3, lines 3-23).

It would have been obvious to one of ordinary skill in the art to create the method of claim 27 by Yamashita to include updating profiles with groups based on acquired interests to provide targeted advertisements (Swix: col. 3, lines 3-23).

**Claims 32-33, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,622,303 by Yamashita in view of U.S. Patent No. 7,039,932 by Eldering et al.**

Regarding claim 32, the Yamashita reference teaches the method of claim 27.

The Yamashita reference fails to teach child-containing household.



However the Eldering reference teaches receiving a definition of a child-containing household group of two more clients, wherein the clients in the child-containing household group report children present in the household (Eldering: col. 2, lines 6-33) in order to identify the particular group to advertise to (Eldering: col. 2, lines 6-33).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the method as taught by Yamashita to include child household profile information as taught by Eldering in order to identify the particular group to advertise to (Eldering: col. 2, lines 6-33).

Regarding claim 33, the Yamashita reference teaches the method of claim 32.

The Yamashita reference fails to teach child-containing household.

However the Eldering reference teaches, wherein broadcasting the digital cable content comprises broadcasting a catalog of toys in association with an identifier of the child containing household group (Eldering: col. 2, lines 6-33) in order to identify the particular group to advertise to (Eldering: col. 2, lines 6-33).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the method as taught by Yamashita to include child household profile information as taught by Eldering in order to identify the particular group to advertise to (Eldering: col. 2, lines 6-33).

Regarding claim 42, the Yamashita reference teaches the broadcast system of claim 36.

The Yamashita reference fails to teach child-containing household.

However, the Eldering reference teaches, wherein the map comprises a definition of a child-containing household group of two or more clients, wherein the clients in the child-containing household group report children present in the household (Eldering: col. 2, lines 6-33) in order to identify the particular group to advertise to (Eldering: col. 2, lines 6-33).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the method as taught by Yamashita to include child household profile information as taught by Eldering in order to identify the particular group to advertise to (Eldering: col. 2, lines 6-33).

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**Prior Art**

U.S. Patent No. 6,067,440 by Diefes teaches controlled access to cable broadcasted content in col. 5, lines 5-46; 63- col. 6, line 10; and col. 7, lines 13-56.

U.S. Patent Publication No. 2006/0282319 by Maggio reads 102 like material on the independent claim language see paragraphs 366-376 with content identification having to match client and group identifications.

**REMARKS**

Applicant amended claims 17 and 36 to clarify changes in response to the telephone interview. The examiner appreciates the telephone interview and subsequent changes but finds much prior art directed towards the claimed limitations. The examiner suggested adding more distinguishing limitations.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number 571-272-3982.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and after final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the examiner whose telephone number is 571-272-3982.

Benjamin R Bruckart  
Examiner  
Art Unit 2155

*BRB*

  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER